

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10613 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

1 to 5      No

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MODERN PETROFILS

Versus

REGIONAL PROVIDENT FUND                      COMMISSIONER

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Appearance:

NANAVATI ASSOCIATES for Petitioners  
MR JD AJMERA for Respondent No. 1, 2

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CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 13/01/97

ORAL JUDGEMENT

1. Learned Counsel for the respondent Mr. J.D. Ajmera states that the present petition is premature as the impugned order dated 26th November, 1996, recorded by Respondent No.2 informing the petitioner that the petitioner unit is covered by the provisions of Section

2-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and directing the remission of the outstanding dues within the stipulated time, stated in the said order, is as such, a directory communication pending the final order, that may be passed under Section-7A of the said Act. He further states that obviously, therefore, there would not arise the question of recovery of amount in pursuant to the advisory communication pending final decision including the entitlement of the infancy benefits.

2. In view of the aforesaid statement, the present petition is premature and does not survive at this stage and, therefore, it is required to be rejected on that count without entering into other merits. Obviously, in case of any adverse final order, it will be open for the petitioner company to pursue appropriate remedies available under the law.

3. In the result, the petition stands dismissed. Rule is discharged. Interim relief, obviously, will not survive in view of the fact that the impugned order is stated to be advisory and no action against such recovery is sought to be taken and final order is yet to be recorded.

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